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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/209,900	12/11/1998	HIDEAKI TANI	SUSU113236	6354

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EXAMINER
RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/209,900	TANI ET AL.	
	Examiner	Art Unit	
	Daniel J. Ryman	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☒ Claim(s) *1-3 and 14-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the sentence comprising page 1 lines 10-17, etc.

2. Claim 1 is objected to because of the following informalities: in line 9, the phrase "a stream data" should be "stream data." Appropriate correction is required.

3. Claim 2 is objected to because of the following informalities: in line 2, the phrase "on a packet unit" should be "in a packet unit." Appropriate correction is required.

4. Claim 3 is objected to because of the following informalities: claim 3 cites that the received data is transmitted through a broadcast *and* a communications network while in claim 1 it is cited that the received data is transmitted through a broadcast *or* a communications network. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 is objected to under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 2 recites the limitation "the lump" in line 8. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 6, 10, 11, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Rejections based upon prior art will be done according to the examiner's interpretation of the claims at the time of the examination.

9. Claim 6 recites the limitation "the attention and recording request" in page 43 lines 24-26. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 6 recites the limitation "said file I/O" in page 44 line 3. There is insufficient antecedent basis for this limitation in the claim. While "the file I/O" is defined in claim 6 in lines 10-13, it is done after the aforementioned limitation is cited.

11. Claim 6 recites the limitation "said filter means" in page 44 line 6. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 10 recites the limitation "said setting means" in line 15. There is insufficient antecedent basis for this limitation in the claim. "Setting means" are defined in claim 9; however, claim 10 depends on claim 6, not on claim 9.

13. Claim 11 recites the limitation "said setting means" in line 24. There is insufficient antecedent basis for this limitation in the claim. "Setting means" are defined in claim 9; however, claim 10 depends on claim 6, not on claim 9.

14. Claim 13 recites the limitation "said setting means" in line 20. There is insufficient antecedent basis for this limitation in the claim. "Setting means" are defined in claim 9; however, claim 10 depends on claim 12 which depends on claim 6, not on claim 9.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 1, 2, 3, 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty et al. (USPN 5,361,091) in view of Wang et al. (USPN 6,167,084) in further view of Dutta et al. (USPN 5,982,813).

17. Regarding claim 1, Hoarty discloses a stream distribution server comprising: reception means for receiving a stream data transmitted through a broadcasting network or a communication network (col. 2 lines 51-68 and col. 3 lines 61-67); selection means for selecting a predetermined unit of information based on a distribution condition set by the terminal devices which have a reproduction function (col. 3 lines 44-60) where it is obvious that the terminal devices could be PC's which have reproduction function; file I/O means for controlling a file device under management of the server and for outputting information selected by the selection means to the file device (col. 3 lines 9-22 and col. 3 lines 44-60); and transmission means for transmitting information selected by selection means to a terminal device (col. 3 lines 9-22 and col. 3 lines 44-60). Hoarty does not expressly state that the stream data is in a digital form, but Hoarty does allude to it by stating that the content is "photographic quality images and full motion video...as well as traditional text and graphical information" (col. 2 lines 51-55) which are commonly transmitted digitally. It is also well known in the art of communication systems to have stream data be digital data as is evidenced by Wang (col. 15 lines 33-41). Hoarty also does

not disclose selecting a predetermined unit of information from stream data. Wang discloses selecting a predetermined unit of information from stream data (col. 15 lines 33-41). Although it is not specifically specified, it is obvious that this is done so that an end user can retrieve a desired portion of the stream data (multi-program broadcast). It would have been obvious to one of ordinary skill in the art of communication systems to select a predetermined unit of information from stream data so that an end user could retrieve a desired portion of the steam data. Hoarty in view of Wang does not disclose executing predetermined processing on the transmitted data according to a limitation of a preset data transmission band. Dutta discloses executing predetermined processing on the transmitted data according to a limitation of a preset data transmission band (col. 6 lines 29-34) in order to take full advantage of the available bandwidth (col. 3 lines 8-14). It would have been obvious to one of ordinary skill in the art of communication systems to execute predetermined processing on the transmitted data according to a limitation of a preset data transmission band in order to take full advantage of the available bandwidth.

18. Regarding claim 2, it is well known in the art of communications systems to have stream data constructed with information in a packet unit with a packet identifier for identifying data in a packet. This is evidenced by Wang (col. 15 lines 33-41). It is also well known to receive a plurality of data streams and to mix or re-multiplex each of the stream data. This is also evidenced by Wang (col. 15 lines 33-41) where it is obvious that if the headend server selects channels for transmission to terminals and the data arrives multiplexed that the headend server could re-multiplex the stream data.

19. Regarding claim 3, Hoarty discloses selection means which include an attention request from the terminal device (col. 3 lines 55-57) and the selection means selects and extracts the predetermined information to which attention is requested the terminal device (col. 3 lines 9-22 and col. 3 lines 44-60). Hoarty does not disclose, specifically, retrieving the information based on identification information located in the predetermined unit of information which constructs the stream data; however Wang does disclose this (col. 15 lines 33-41). Although it is not specifically specified, it is obvious that this is done so that an end user can retrieve a desired portion of the stream data (multi-program broadcast). It would have been obvious to one of ordinary skill in the art of communication systems to select a predetermined unit of information from stream data based in identification information so that an end user could retrieve a desired portion of the steam data.

20. Regarding claim 4, Dutta discloses the transmission means includes a filter (a way to adjust the bit rate of the stream) for adjusting the transmission band when the selected information is transmitted within a limited range of the transmission band (col. 6 lines 29-34). Dutta does this in order to take full advantage of the available bandwidth (col. 3 lines 8-14). It would have been obvious to one of ordinary skill in the art of communication systems to filter (adjust the bit rate) the data according to a limitation of a preset data transmission band in order to take full advantage of the available bandwidth

21. Regarding claim 6, Hoarty discloses a stream distribution server comprising: a plurality of terminal devices each having an information reproduction function and a local area network connecting the terminal devices to the server (col. 3 lines 9-17) where it is obvious that the terminal devices could be PC's which have reproduction function; reception means for receiving

stream data transmitted through a broadcasting network or a communication network (col. 2 lines 51-68 and col. 3 lines 61-67) where although Hoarty does not specifically disclose that there are a plurality of reception means, it is well known in the art of communication systems; selection means for selecting a predetermined unit of information based on a distribution condition set by the terminal devices and distributing this information to transmission means for transmission (col. 3 lines 9-22 and col. 3 lines 44-60); transmission means for transmitting information selected by selection means to a terminal device (col. 3 lines 9-22 and col. 3 lines 44-60); and file I/O means for controlling a file device under management of the server and for outputting information selected by the selection means to the file device (col. 3 lines 9-22 and col. 3 lines 44-60). Hoarty does not specify that the server targets stream data constructed with information as a packet unit, wherein an identifier is added to each packet; however this is well known in the art as is evidenced by Wang (col. 15 lines 33-41). Hoarty does not disclose mixing or remultiplexing stream data; however, it is well known to receive a plurality of data streams and to mix or re-multiplex each of the stream data. This is evidenced by Wang (col. 15 lines 33-41) where it is obvious that if the headend server selects channels for transmission to terminals and the data arrives multiplexed that the headend server could re-multiplex the stream data. Hoarty does not disclose specifically selecting and extracting the information based on identification information located in the predetermined unit of information which constructs the stream data; however Wang does disclose this (col. 15 lines 33-41). Although it is not specifically specified it is obvious that this is done so that an end user can retrieve a desired portion of the stream data (multi-program broadcast). It would have been obvious to one of ordinary skill in the art of communication systems to select a predetermined unit of information from stream data based in

identification information so that an end user could retrieve a desired portion of the steam data. Hoarty in view of Wang does not disclose executing predetermined processing on the transmitted data according to a limitation of a preset data transmission band. Dutta discloses executing predetermined processing on the transmitted data according to a limitation of a preset data transmission band (col. 6 lines 29-34) in order to take full advantage of the available bandwidth (col. 3 lines 8-14). It would have been obvious to one of ordinary skill in the art of communication systems to execute predetermined processing on the transmitted data according to a limitation of a preset data transmission band in order to take full advantage of the available bandwidth.

22. Regarding claim 7, Hoarty discloses the file I/O includes means for outputting the stored information read from the file device to the selection means when suiting a request from the terminal device or a pregiven condition (col. 3 lines 9-22 and col. 3 lines 44-60).

23. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty et al. (USPN 5,361,091) in view of Wang et al. (USPN 6,167,084) in further view of Dutta et al. (USPN 5,982,813) as applied to claim 1 above, and further in view of Goren (USPN 5,782,642).

24. Hoarty in view of Wang in further view of Dutta discloses outputting the stream data to the file I/O where the file I/O stores the stream data (Hoarty: col. 3 lines 9-22). Hoarty in view of Wang in further view of Dutta does not disclose storing the data based on a recording request from a terminal device. Goren discloses storing data based upon a recording request from a terminal device (col. 1 lines 56-62 and col. 4 lines 33-42). It is obvious that one reason this is done is to provide users a way to record the information they wish to view if they are unable to view the material at the time it is broadcast. It would have been obvious to one of ordinary skill

in the art of communication systems to have remote storage so that the server is able to record a program that the user wishes to view in the future.

25. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty et al. (USPN 5,361,091) in view of Wang et al. (USPN 6,167,084) in further view of Dutta et al. (USPN 5,982,813) as applied to claim 6 above, and further in view of Walding (USPN 6,031,845).

26. Regarding claim 8, Hoarty in view of Wang in further view of Dutta discloses adjusting the transmission band of the stream data by performing packet filtering (Dutta col. 3 lines 15-37). Hoarty in view of Wang in further view of Dutta does not disclose doing this filtering based on packet priority. Walding teaches allocating bandwidth according to the priority of information, where the information is stored in a memory (col. 2 lines 32-51 and col. 3 lines 15-37). Walding does this as a way to differentiate between calls that need more bandwidth for a level of quality and calls that need less bandwidth for a level of quality (col. 3 lines 28-37). It would have been obvious to one of ordinary skill in the art of communication systems to allocate bandwidth according to priority in order to prioritize the bandwidth according to how much bandwidth is needed for a quality transfer of information.

27. Regarding claim 9, Hoarty in view of Wang in further view of Dutta does not disclose setting means. Walding discloses setting means for setting a limitation on the transmission band allocated to a terminal device according to a use state of the network between the distribution system and the terminal device and setting a priority table (memory) included in the filtering means (col. 2 lines 32-51 and col. 3 lines 28-37) wherein the transmission means receives the data from a selection means and transmits the data to the terminal device after adjusting the

amount data to keep a limitation of the transmission band set by filtering means (col. 1 lines 15-25 and col. 2 lines 32-51) where the terminal device is a subscriber terminal and the distribution system is a central terminal and it is obvious that the central terminal could have a selection means for selecting the correct subscriber terminal to route the transmission to. Walding does this as a way to differentiate between calls that need more bandwidth for a level of quality and calls that need less bandwidth for a level of quality (col. 3 lines 28-37). It would have been obvious to one of ordinary skill in the art of communication systems to have a setting means to allocate bandwidth according to priority in order to prioritize the bandwidth according to how much bandwidth is needed for a quality transfer of information.

28. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty et al. (USPN 5,361,091) in view of Wang et al. (USPN 6,167,084) in further view of Dutta et al. (USPN 5,982,813) as applied to claim 6 above, and further in view of Fernandes et al. (USPN 5,612,955).

29. Regarding claim 12, Hoarty in view of Wang in further view of Dutta does not disclose the selection means includes means of indicating whether a transmission is valid or invalid based upon flag information. Fernandes discloses pausing transmission of data to a terminal device by turning off flag information and restarting transmission by turning on flag information (col. 4 lines 10-18). Fernandes does this as a way to release bandwidth to other users when the transmission is paused (col. 1 lines 45-54). It would have been obvious to one of ordinary skill in the art of transmission systems to allow indicate pauses in the transmission to release bandwidth for other users to utilize when the transmission is paused.

Allowable Subject Matter

30. Claims 10, 11, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

31. Claims 14, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Focsaneanu et al. (USPN 5,610,910) is pertinent to claims 1 and 6. Maeda (USPN 6,272,085) see col. 1 lines 11-46 which is pertinent to claim 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6743 for regular communications and (703)308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
Art Unit 2665

DJR

Daniel J. Ryman
August 16, 2002

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